

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL COALITION ON BLACK CIVIC  
PARTICIPATION, MARY WINTER, GENE  
STEINBERG, NANCY HART, SARAH  
WOLFF, KAREN SLAVEN, KATE KENNEDY,  
EDA DANIEL, and ANDREA SFERES,

Plaintiffs,

-and-

People of the STATE OF NEW YORK, by its  
attorney general, LETITIA JAMES, ATTORNEY  
GENERAL OF THE STATE OF NEW YORK

Plaintiff-Intervenor,

v.

JACOB WOHL, JACK BURKMAN, J.M.  
BURKMAN & ASSOCIATES, LLC, PROJECT  
1599, and JOHN and JANE DOES 1-10,

Defendants.

Civil Action No. 20-cv-8668

**REPLY IN SUPPORT OF PLAINTIFFS' MOTION *IN LIMINE* TO LIMIT  
DEFENDANTS' CROSS EXAMINATION OF PLAINTIFFS**

Plaintiffs moved the Court to bar Defendants from offering evidence about (i) Plaintiffs' political affiliations and opinions, (ii) other people's reactions to the Robocall or their views on Black people, or (iii) their own races. *See* D.E. 291; D.E. 292. As Plaintiffs explained, these lines of inquiry are irrelevant and prejudicial, and asking Plaintiffs to speculate about who else heard the Robocall and how they reacted seeks to elicit information beyond the witnesses' personal knowledge and hearsay. *See* D.E. 292 at 2–4 (citing Fed. R. Evid. 401–03, 602, 802).

Defendants fail to discuss—much less counter—these arguments in their opposition filings. Indeed, it is unclear whether Defendants oppose Plaintiffs' motion at all. One of

Defendants' filings refers to opposing Plaintiffs' motion "to exclude cross examining Plaintiffs on actual damages," D.E. 303 at 2, but Plaintiffs sought no such relief. With no explanation of the relevance of Plaintiffs' political affiliations or races or their views on Black people relative to the risk of prejudice, and no articulation of how speculating on others' reactions to the Robocall is permissible, Defendants have failed to rebut any of Plaintiffs' arguments.

Thus, Plaintiffs ask the Court to preclude Defendants from introducing the aforementioned evidence.

Dated: New York, New York  
July 14, 2023

Respectfully submitted,

**LETITIA JAMES**  
*Attorney General*  
*State of New York*

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